

celebrated Native American soldiers due to his selfless service in World War II.

Medicine Crow's spirit, his humility, and his life achievements leave a lasting imprint on Montana's history. I personally will never forget the time I got to shake his hand and greet him and thank him for his service to our country.

I wish to express my deepest condolences to Dr. Joseph Medicine Crow's family and all of the Crow Nation.

REMEMBERING RUSS RITTER

Mr. DAINES. Mr. President, I wish to speak about Russ Ritter.

This past week longtime Helena mayor and dedicated public servant Russ Ritter passed away at the age of 83.

Russ was one of those guys who really made a notable difference in Montana, especially in our State capital of Helena. He was a true inspiration for Montanans seeking public office, and he was the first person to inspire others to run for mayor, including our current mayor, Jim Smith.

Russ was instrumental in the construction of a 10-mile water treatment plant. That was a big-ticket expenditure on the part of the city, and all bonds are now paid off and the plant is up and running. I might suggest that Washington, DC, could take a few lessons from Russ Ritter. During Russ's time, Helena transformed the solid waste system, and he also helped automate the system. He provided true management of the city and improved it for generations to come by helping prevent the spread of diseases and creating a healthier Helena.

Russ also had a soft spot in his heart for the USS *Helena*, the nuclear powered submarine. He went to the christening of the launch in 1986 and spent 9 days on the USS *Helena* underwater.

Another great story about Russ was reported recently in the Helena Independent Record:

Russ met President Ronald Reagan in Billings on August 11, 1982. But this meeting, one for which their father had planned and prepared his remarks, the children said, did not go as envisioned. Russ greeted the President by saying, "Hello, mister mayor, I'm the President of Helena," to which Reagan responded, "No, I think you've got that wrong," Mike said. "This left their father a bit flustered," Mike continued, adding that Russ made his living talking to people and always knew the right thing to say.

On behalf of Montanans and the people of Helena, we thank Russ for his selfless service and will never forget his legacy on the history of our State.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MADE-IN-MONTANA ENERGY

Mr. DAINES. Mr. President, made-in-Montana energy means good Montana jobs that on average pay two to three times more than the State average. In fact, Montana's ability to create more good-paying energy jobs is immense. Our State leads the Nation in recoverable coal deposits. We are the Nation's fifth largest producer of hydropower, with 23 hydroelectric dams across the State, and we are fifth in wind energy potential.

In fact, Montana was center stage in the national energy debate and provides our Nation a template of a true "all of the above" energy portfolio. We have coal, natural gas, oil, as well as renewables such as hydro, wind, biomass, and solar opportunities.

What makes our State most valuable are the people who make our energy systems work—towns such as Colstrip, MT, that build communities around livelihoods that are reliant on good-paying energy jobs. That is the good news.

Here is the bad news: Montana energy jobs are under assault. Over the past 2 weeks, I heard from Montanans about the future and importance of made-in-Montana energy and made-in-Montana good-paying jobs. During my week-long tour across our State, I once again saw our vast natural resources and our true energy potential, whether it was touring a wind farm near Baker, MT, on the far eastern side of our State, or seeing the hydropower facility at Helena's Hauser Dam, or hosting a townhall at Colstrip. I was hearing directly from the community about the devastating impacts that President Obama's anti-coal regulations will have on hard-working Montanans.

My statewide energy tour culminated this past week at Montana Energy 2016, where over 600 people gathered in Billings, MT, for a Montana family conversation about our State's energy future. During that 2½-day summit, we heard a consistent and powerful message about the need to maximize our opportunity for growth and expand made-in-Montana energy and the good-paying jobs it supports.

Montanans are leading American energy innovation; for example, Montanans such as Chrystal Cuniff, a Montana tech engineer from Choteau, who helped drill the deepest well in the Gulf of Mexico, or Ryan Lance, a Montana native, a graduate of Montana Tech, who is leading one of the largest oil and gas companies in the world, or Ashley Dennehey from Colstrip, who highlighted how the boilermakers, operators, and other hard-working labor groups in her community are working hard to keep the lights on in the face of adversity.

We must continue investing in our 2-year colleges that provide training in trades such as welding and heavy machine operations so we can keep our kids in Montana with good, high-paying energy jobs. In fact, Business Insider released a map that shows how

hard these times are for millennials, highlighting their median income across the United States. Montana ranked 50th, dead last, at a median income of \$18,000 a year for millennials.

We cannot forget that Montana coal provides tax revenues of \$145 million a year which supports our teachers and our schools. Montana should lead the world in developing clean coal technology. We must continue to develop renewable technologies that will store the power created by wind.

The bottom line is, we should not allow Washington, DC, and the Obama administration to dictate and regulate coal and gas out of existence. We need more made-in-Montana energy, not more made-in-the-Middle-East energy. Make no mistake, President Obama's Environmental Protection Agency and their regulations are killing Montana energy.

Our country's future is very bright if we could unleash the power of innovation and rein in the overregulation of Washington, DC. I couldn't agree more with what Darrin Old Coyote, chairman of the Crow Nation tribes, said in his keynote address at Montana Energy 2016 in Billings just last Thursday. He said this: "All of Montana citizens need to work together for a better tomorrow: renewable energy, fossil energy, conventional energy, Indian or non-Indian, regardless of political affiliation, whether we are Democrats, Republicans or Independents."

Montanans can find better solutions than Washington, DC, bureaucrats.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INSPECTOR GENERAL EMPOWERMENT ACT

Mr. GRASSLEY. Mr. President, this body was last in session during Sunshine Week, but the principle of government transparency is one that does not expire. So I would like to take a few moments now to reiterate my support for that timeless principle.

Open government is good government. And Americans have a right to a government that is accountable to its people. In 1978, following the lessons learned from the Watergate scandal, Congress created Inspectors General—or IGs—to be our eyes and ears within the executive branch. These independent watchdogs are designed to

keep Congress and the public informed about waste, fraud, and abuse in government. But they also help agency leaders identify problems and inefficiencies that they may not be aware of. So IGs are critical to good governance and to the rule of law.

But in order for these watchdogs to do their jobs, IGs need access to agency records. That is why the law authorizes IGs to access “all” records of the agency that they’re charged with overseeing. However, since 2010, more and more agencies have refused to comply with this legal obligation. This obstruction has slowed down far too many important investigations—ranging from sexual assaults in the Peace Corps to the FBI’s exercise of anti-terrorism authorities under the PATRIOT Act.

Last July, the Justice Department’s Office of Legal Counsel aided and abetted the obstruction by issuing a memo defending it. That memo has given cover to other agencies to follow the FBI’s lead and withhold records from their IGs.

According to OLC’s 66-page opinion, Congress didn’t really mean to give IGs access to “all records”—even though that is literally what we spelled out in the law. Think about that for a second. One unelected bureaucrat in the Justice Department thinks he can overturn the will of 535 elected officials in Congress and the President who signed the bill into law. That is unacceptable, and Americans are tired of stunts like this that undermine democracy and the rule of law, and make a mockery of government transparency.

The public deserves robust scrutiny of the federal government. So, since September, a bipartisan group of Senators and I have been working to overturn the OLC opinion through S. 579, the Inspector General Empowerment Act. Among other things, this bill includes further clarification that Congress intended IGs to access all agency records, notwithstanding any other provision of law, unless other laws specifically state that IGs are not to receive such access.

We attempted to pass this bill by unanimous consent in September. Since then, the cosponsors and I have worked hard in good faith to accommodate the concerns of any and all Senators willing to work with us. As a result, this bill now has a total of 17 cosponsors, including 7 of my esteemed Democratic colleagues: Senators MCCASKILL, CARPER, MIKULSKI, WYDEN, BALDWIN, MANCHIN, and PETERS. I want to thank each and every one of them for standing up with me for Inspectors General and for the principles of good governance.

In December, we attempted to pass this bipartisan bill by unanimous consent. The bill cleared the Republican side with no objection, but the bill was objected to on the Democratic side.

So, let’s do the math. None of the 54 Republican Senators objected. There are seven Democrat cosponsors. That is

at least 61 votes—at least. If this bill came up for a vote, it would certainly pass easily. It was developed hand-in-hand over many months with both Democrats and Republicans in the House of Representatives, which is ready to move an identical bill as soon as we act here in the Senate.

So, on December 15, Senators MCCASKILL, JOHNSON, and I attempted to pass this bill by a process known as a live unanimous consent. Our goal was to pass the bill right then and there, and we could have, had a Senator not objected. However, the minority leader, Senator REID stood up and objected. The minority leader obstructed a bill sponsored by seven Senators of his own party. Senator REID refused to give any reason for obstructing this bipartisan bill, both at that time and later when questioned by reporters. All he would say publicly was that a Senator on his side of the aisle had concerns.

Apparently, Senator REID is now telling the press that his concerns relate to provisions of the bill that give IGs the power to subpoena testimony from former federal employees. In a moment, I will explain why this authority is absolutely vital to the ability of IGs to conduct effective investigations. But before I do that, I want to make one thing crystal clear. My bipartisan cosponsors and I have been working in good faith to address these concerns for 5 months—since November 2015. In those 5 months, we have offered at least half a dozen accommodations that would limit the subpoena authority in question. So we have offered reasonable compromises, but the one or two Senators who object to this provision appear to be demanding it be removed from the bill entirely.

Let me tell you why we cannot do that. When employees of the U.S. government are accused of wrongdoing or misconduct, IGs should be able to conduct a full and thorough investigation of those allegations. Getting to the bottom of these allegations is necessary to restore the public trust. Unfortunately, employees who may have violated that trust are often allowed to evade the IG’s inquiry, by simply retiring from the government. So the bill empowers IGs to obtain testimony from employees like this.

Similarly, the bill helps IGs better expose waste, fraud, and abuse by those who receive Federal funds. It enables IGs to require testimony from government contractors and subcontractors and grantees and sub-grantees. Currently, most IGs can subpoena documents from entities from outside their agency. However, most cannot subpoena testimony, although a few can. For example, the Inspectors General for the Defense Department and the Department of Health and Human Services already have this authority.

The ability to require witnesses outside the agency to talk to the IG can be critical in carrying out an inspector general’s statutory duties or recovering wasted federal funds. But I want

to be clear: the bill also imposes limitations on the authority of IGs to require testimony.

There are several procedural protections in place to ensure that this authority is exercised wisely. For example, the subpoena must first be approved by a majority of a designated panel of three other IGs. It is then referred to the Attorney General. For those IGs that can already subpoena witness testimony, I am not aware of any instance in which it has been misused.

In fact, the Inspector General for the Department of Defense has established a policy that spells out additional procedures and safeguards to ensure that subjects of subpoenas are treated fairly. I am confident that the rest of the IG community will be just as scrupulous in providing appropriate protections for the use of this authority as well. You see, we all win when IGs can do their jobs. And most importantly, the public is better served when IGs are able to shine light into government operations and stewardship of taxpayer dollars.

This is a common sense, bipartisan bill that should have passed by unanimous consent. It overturns an OLC opinion that has been roundly criticized by nearly everyone who has read it. For example, the New York Times editorial board recently urged us to pass this bill so that we can allow IGs to do their jobs. But Senator REID is standing in the way of the Senate doing its job.

The Washington Post editorial board and the Project on Government Oversight have also called on us to fix this IG access problem. At a Judiciary Committee hearing in August, Senator LEAHY said that this access problem is “blocking what was once a free flow of information.” Senator LEAHY also called for a permanent legislative solution.

Even the Justice Department witness at that hearing disagreed with the results of the OLC opinion and supported legislative action to solve the problem. But, to all of that, Senator REID said “no.”

Make no mistake: by blocking this bipartisan, good-government bill, Senator REID is muzzling watchdogs, and the public is being robbed of their right to an accountable government. What is it about independent Inspector General oversight that the minority leader is afraid of? Remember, the public is better served when IGs are able to shine light into government operations and stewardship of taxpayer dollars.

And the public is beginning to take notice of Senator REID’s obstruction. Just last week, the Las Vegas Review-Journal—which is the largest circulating daily newspaper in the minority leader’s home State—published an article discussing his obstruction. Let me just take a moment to read a quote from this article:

U.S. Senate Democratic leader Harry Reid of Nevada received a government watchdog

group's dubious honor . . . for blocking a bill to back inspectors general in their battles against waste, fraud, abuse, and mismanagement and refusing to provide a full explanation on why he did so.

Then, just over this weekend, the editorial board of this same newspaper wrote an opinion piece entitled, "Let the sun shine in." Let me just read an excerpt from this article:

Because Sen. Grassley's bill has attracted bipartisan support, and because Republicans and Democrats jointly have objected to efforts to thwart IGs from doing their jobs, we're confident that compromise is possible . . . We urge Sens. Reid and Grassley to work together to pass this important legislation as quickly as possible.

As I mentioned earlier, the bipartisan group of cosponsors and I have already offered half a dozen accommodations to address the concerns related to the subpoena authority provision. All of those offers are still on the table, and we stand ready to work with Senator REID and the other Senator to get this bill done; in a way that improves IG access to both documents and witness testimony.

Remember, the Inspector General Act was passed in 1978, following one of the worst political scandals in American history. Today, at least 61 Senators, the Las Vegas Review-Journal, the New York Times, the Washington Post, and good governance groups like POGO and Citizens Against Government Waste, all support restoring the intent of that act—through S. 579. This bill would redeem the free flow of information that Senator LEAHY advocated in August. And every day that goes by without overturning the OLC opinion is another day that watchdogs across the government can be stonewalled.

Let me be clear. Only one Senator is publicly standing in the way of fixing this problem. Who is the obstructionist here? Who is not doing their job? We need to find a way to get this bill done. Especially now, we need to focus on the things we can agree on. When there is something with this much bipartisan support, it should be a no-brainer. One or two Senators should not be allowed to stand in the way.

I urge my colleagues to work with me to get S. 579 passed so that IGs can resume doing the work that we asked them to do in 1978.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

DEFEND TRADE SECRETS BILL

Ms. KLOBUCHAR. Mr. President, I rise today to speak in support of the Defend Trade Secrets Act, which is before us today. I thank Senators HATCH and COONS for their important work on this bill and Chairman GRASSLEY and Ranking Member LEAHY for their leadership as well.

Stolen trade secrets cost American companies—and thus their workers—billions of dollars each year and threaten their ability to innovate and com-

pete globally. This bill will help protect vital intellectual property, and I am pleased to be a cosponsor.

Trade secrets are the lifeblood of so many businesses in America. Stealing those ideas can wipe out years of research by employees and development and cost millions of dollars in losses because competitors—those that steal the secrets—reap the benefits of innovation without putting in any of the work. Although measuring the total cost of trade secret theft is difficult, one study using multiple approaches estimates the yearly cost at 1 to 3 percent of the U.S. gross domestic product.

Today, as much as 80 percent of companies' assets are intangible, the majority of them in the form of trade secrets. This includes everything from financial, business, scientific, technical, economic, and engineering information to formulas, designs, prototypes, processes, procedures, and computer code. Trade secret theft poses a particular risk for my home State of Minnesota, which has a strong tradition of innovation and bringing technological advances to the marketplace. Our companies have brought the world everything from the pacemaker to the Post-it Notes. Protecting their intellectual property is critical to their economic success, critical to our businesses, and, most importantly, critical to the workers and employees who make their living in American businesses.

Here are some examples of what we are talking about and the costs when trade secret thefts occur.

In 2011 a former employee of the Minnesota agricultural company Cargill stole trade secrets of Cargill and Dow Chemical regarding a product and gave them to a Chinese university. The two companies suffered combined losses of over \$7 million. Fortunately, the former employee was caught, convicted, and received 87 months in prison—the strongest sentence possible. But look at the loss that occurred—\$7 million.

That same year, an employee of a Minnesota paint company, Valspar, tried to steal \$20 million worth of chemical formulas to give to a Chinese company in exchange for a high-ranking job. That really happened. The authorities caught him before he completed his theft, and he received a sentence of 15 months in jail.

But too many thefts go unprosecuted, and the costs go beyond simply dollars and cents. Medical device makers Medtronic and Boston Scientific hope to bring advanced care to patients in China. These companies would like to do even more but fear they won't be able to protect sensitive proprietary technology, and that holds them back. Stronger protection of trade secrets will benefit consumers across the world as well as trade secret owners.

In 1996 Congress enacted the Economic Espionage Act, which made economic espionage and trade secret theft

a Federal crime. Nearly 20 years later, the threat of trade secret theft has grown. Thumb drives and the cloud have replaced file cabinets for storage information, making stealing a trade secret as easy as clicking a button or touching a screen. Trade secret theft threatens not just businesses but jobs and, certainly, innovation.

Protecting the intellectual property of American businesses needs 21st century solutions. The Defend Trade Secrets Act demonstrates our commitment at the Federal level to protect all forms of a business's intellectual property. This balanced bill gives companies two more tools to effectively protect their trade secrets.

First, a party can seek an ex parte court order to seize stolen trade secrets to prevent their destruction or dissemination. To prevent abuse, the requirements to obtain an order are rigorous, access to the seized material is limited, and it is only available in what are considered "extraordinary circumstances."

Second, the bill creates a Federal private right of action for trade secret theft. Companies will be able to rely on a national standard to efficiently protect their intellectual property.

Securing the trade secrets of American businesses and their employees is a serious issue and needs to be addressed, and I urge my colleagues to support the Defend Trade Secrets Act. I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFEND TRADE SECRETS BILL

Mr. HATCH. Mr. President, later this evening, the Senate will vote on the Defend Trade Secrets Act, a bill that will enable U.S. businesses to protect their trade secrets in Federal court. Senator CHRIS COONS and I have been working on this legislation in a bipartisan way for nearly 2 years, so it is really satisfying to see the Senate poised to vote on this important bill.

To date, the legislation has 65 bipartisan cosponsors, including the distinguished Senate Judiciary Committee chairman, CHUCK GRASSLEY, and ranking member, the distinguished Senator PAT LEAHY. I appreciate their support for this bill.

I also commend our House colleagues, Representatives DOUG COLLINS and JERROLD NADLER, for their tireless efforts—and others over there as well. They have been invaluable partners in advancing this legislation in the House of Representatives. Working under the capable leadership of my dear friend, House Judiciary Committee Chairman